IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 11795 of 2004

Between:

P. Krishna, S/o. Rama Rao,
R/o. S.R.C. No. 42, Srisailadevasthanam, Srisaialam, Kurnool District.

..... PETITIONER

AND

The Deputy Commissioner & Executive Officer, Srisailadevasthanam, Srisailam, Kurnool District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a Writ of Mandamus or any other appropriate Writ or direction declaring the action of the respondent in seeking to evict the petitioner from the quarter S.R.C.No. 42 at Srisailam without giving reasonable time as illegal and arbitrary and consequently direct the respondent to allow the petitioner to continue in the said quarter for four months, and pass orders.

Counsel for the Petitioner: MR.P.GANGA RAMI REDDY

Counsel for the Respondent: Mr. V.VENUGOPAL, S.C.

The Court made the following:

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ORDER:

This Writ Petition is filed by the petitioner aggrieved by the action of the respondent directing him to vacate the Quarter No.42 at Srisailam.

2. According to the petitioner, he was ordered to vacate the quarter No.42 without giving any reasonable time. According to him, he has been carrying on business at Srisailam Devasthanam and he was the successful lessee for coconut halves till the year 2003-2004. With reference to the said right as lessee, the petitioner was allowed to stay in the above-referred quarter, as it was absolutely required to exercise the required functions as lessee. According to the petitioner, since he has been carrying on the business since more than 30 years, there are huge amounts outstanding, which are payable to the petitioner from various persons in connection with the business, and unless he is allowed to continue to stay in the said quarter, as there are no other private houses at Srisailam Devasthanam, as all the houses and properties are owned by the Devasthanam alone, it is difficult to recover the said amounts. Therefore, the petitioner sought to quash the order so as to allow him some reasonable time for recovery of the outstanding debts from various persons, who are residents of Srisailam.

3. The claim of the petitioner is opposed by the Standing Counsel appearing for the respondent. According to the respondent, there are no vacancies in any of the quarters. The quarter in question is intended to be allotted to the lessee of coconut halves and it is absolutely required for providing such accommodation for the lessee to exercise his rights as a lessee. The present lessee is suffering without accommodation provided by the respondent. Therefore, there is no justification in seeking any time by the petitioner and it is also not possible for the respondent authorities to provide any alternative accommodation to the present lessee. Hence, sought to dismissal of the writ petition.

4. Heard the learned counsel for the petitioner and the learned standing counsel for the respondent and considered the material on record.

5. In view of the fact that the petitioner is not continuing as a lessee of the

respondent Devasthanam, and another person became the successful bidder to become a lessee for the said work, which is required to be provided with accommodation, it would not be possible for the respondent to continue the petitioner in quarter No.42, which was allotted to the petitioner as a lessee. However, in view of the difficulties expressed by the petitioner, the respondent is directed to allow the petitioner till 31st July, 2004. The petitioner is also further directed to file an undertaking before the respondent that he would vacate the Quarter No.42 by 31st July 2004. On such filing of undertaking, the respondent is directed to allow the petitioner till 31st July 2004.

6. The Writ Petition is, accordingly, disposed of.

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14.07.2004 S. Ananda Reddy, J.

Dsr/Kvh

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

Two CD copies.

The Deputy Commissioner and Executive Officer,

Srisailam Devasthanam, Srisailam, Kurnool District

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO : 11795 of 2004

14th Day of July, 2004